UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,523	01/22/2002	George M. White	M-7199-4D US	5053

33438 7590 02/05/2007 HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720		EXAMINER	
		LERNER, MARTIN	
		ART UNIT	PAPER NUMBER
		2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/057,523	WHITE ET AL.
	Examiner	Art Unit	
	Martin Lerner	2626	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 December 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>48 and 49</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>48 and 49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The Information Disclosure Statement filed 05 December 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

The Information Disclosure Statement filed 05 December 2006 does not include a copy of the Non-Patent Literature Document to *Ashtana et al.* Accordingly, the Information Disclosure Statement was considered, but the reference to *Ashtana et al.* is lined through.

Claim Objections

Claims 48 and 49 are objected to because of the following informalities:

In claim 48, "the buffered speech" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jacobs et al.* in view of *Tel.*

Regarding independent claim 48, *Jacobs et al.* discloses a distributed voice recognition system, comprising:

"a transceiver for communicating with a local device, the transceiver operable to receive speech input issued by a user at the local device, the local device operable to perform a first level of speech recognition on the speech input" – handset 100 ("a local device") includes local voice recognition which recognizes special voiced commands locally from a relatively small vocabulary ("operable to perform a first level of speech recognition on the speech input") (column 8, line 28 to column 9, line 20: Figure 5); central communications center 42 receives features at antenna 44 which are provided to receiver 46 for receiving words or command signals from portable phone 40, and provides an action signal to transmitter 50, which transmits the estimated words or a command signal to portable phone 40 ("a transceiver for communicating with a local device") (column 5, lines 44 to 65: Figure 2);

"a processing facility coupled to the transceiver and having a plurality of physically distributed processing units, the processing facility operable to perform a second level of speech recognition on the speech input" – base station 110 ("a processing facility") includes remote voice recognition which recognizes regular voiced commands remotely from a larger vocabulary ("operable to perform a second level of speech recognition on the speech input") (column 8, line 28 to column 9, line 20: Figure

5); *Jacobs et al.* discloses a processing facility including "a plurality of physically distributed processing units" because at least central communications center 42, a cell base station, and a remote answering machine are components of "a processing facility"; moreover, implicitly, a cellular base station or central communications center has a plurality of physically distributed components for wireless cellular telephone networks;

"wherein the processing facility is operable to receive the buffered speech input from the local device and to recognize words in the speech input" – at central communications center 42, transmitted features are provided to word decoder 48, which determines from the speech features a linguistic estimate of the speech (column 5, lines 43 to 50: Figure 2); acoustic features are provided to word decoder 64, which in response provides an estimated word string (column 7, lines 27 to 32: Figure 3); implicitly, speech is buffered during speech recognition.

Concerning independent claim 48, the only elements omitted by *Jacobs et al.* are "wherein the local device comprises a first speech generating engine operable to generate speech output" and "wherein the remote network comprises a second speech generation engine operable to generate speech output." Generally, it is well known to include a speech synthesis engine, as well as a speech recognition engine, for interactive voice response (IVR) systems in order to provide a synthetic speech response for requests by a user. Specifically, *Tel* teaches a speech signal distribution system, comprising a transmitting subsystem 102 and a plurality of receiving subsystems 104, where receiving subsystem 104 includes a speech generator 116 ("the

local device comprises a first speech generating engine operable to generate speech

output"), and transmitting subsystem 102 includes a text to speech converter 120 ("the

remote network comprises a second speech generation engine operable to generate

speech output"). (Column 3, Line 40 to Column 4, Line 16: Figures 1 to 3) *Tel* suggests

an advantage of providing a speech signal distribution system that is able transmit high

quality speech at smaller bandwidths. (Column 2, Lines 9 to 42) It would have been

obvious to one having ordinary skill in the art to include speech generation engines both

in a transmitting subsystem and in a receiving subsystem for a purpose of transmitting

high quality speech at smaller bandwidths.

Concerning claim 49, *Tel* teaches a buffering program in receiving subsystem

104 that receives formant data for formant synthesizer 156 from formant parameter

generator 128 in transmitting subsystem 102 (column 5, line 66 to column 6, line 14:

Figure 1); similarly, four types of supplemental parameters are inserted in a generated

data stream by text to speech converter 120 of a transmitting subsystem (column 4,

lines 35 to 52), and voice settings in the supplemental data are passed to audio signal

generator 156 of a receiving subsystem, which modifies audio signal generation

accordingly (column 6, lines 26 to 48); thus, speech generated by speech generator 116

of the receiving subsystem 104 "is consistent with" the speech output provided by text to

speech converter 120 of transmitting subsystem 102 because formant data and

supplemental parameters are designed to be consistent between transmitting and

receiving subsystems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.
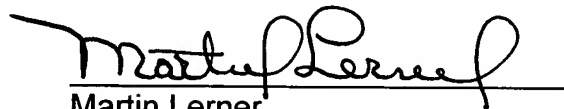
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

ML
1/31/07

Martin Lerner
Examiner
Group Art Unit 2626